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UNITED STATES GOVERNMENT

Memorandum

TO : William H. Webster, Director
Federal Bureau of Investigation

DATE:

FROM : Robert L. Keuch
Special Counsel to the Attorney General

RLK:LL:JIF:dls

SUBJECT: John F. Kennedy Autopsy Photographs

Reference is made to my memorandum to you dated February 20, 1980, and to an FBI report dated March 18, 1980 from the Washington, DC, Field Office and entitled UNSUB(S), Possible Theft of John F. Kennedy Autopsy Photographs, regarding the investigation of an alleged theft of John F. Kennedy autopsy photographs. You may recall that former Chief Counsel and Staff Director of the U.S. House of Representatives Committee on Assassinations, G. Robert Blakey, informed the Criminal Division [redacted] was attempting to sell "original" autopsy photographs to the media. Blakey further indicated that representations were made during the attempted transactions that the photographs exhibited evidence of tampering. 7C

The FBI interview [redacted] Since [redacted] in these dealings, I feel that an FBI interview of [redacted] remains the only investigative method available in the effort to determine the source and content of those photographs. The primary goal in such a proposed interview should be to determine whether any evidence actually exists to indicate that tampering with J.F.K. assassination photographic evidence, original photographs or official copies, has occurred. A secondary goal should be to discourage the unlawful sale of unauthorized photographs and to recover any photographs which are actually Government property. 7C

As indicated in my memorandum of February 20, 1980, an element of a theft of Government property charge in this matter will be that the defendants stole or embezzled the photographs or that they converted or possessed them with knowledge of their stolen or embezzled status. Though it is unlikely that the person who created the unauthorized photographs did so under a claim of right, it is also unlikely that [redacted] were involved in that stage of the offense. It will thus be difficult to show their knowledge of the fact that the photographs were stolen or embezzled, absent an admission to the contrary. Additionally, the Department's policy (as set forth at 9-2.024 of the United States Attorneys' Manual) for Title 18, United States Code, Section 641 prosecutions in matters involving the theft of intangible

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property for the purpose of public dissemination would appear to prohibit such a prosecution. If a Government employee "stole" the information, it may be claimed that his intent was to expose the tampering — as a "whistleblower." [redacted] would appear to fall firmly within this declination policy as a [redacted] who has apparently obtained access by "non-trespassory means" to a Government document which he intends to publicly expose.

A gap in our investigation of the J.F.K. assassination will exist until we can examine this alleged evidence of tampering with photographic exhibits used by the Committee. Additionally, it would appear appropriate for the Department to attempt to prevent the dissemination of these photographs, in respect for the contractual agreements between the Kennedy family and the Government. Accordingly, it is requested that the FBI interview [redacted]. Copies of investigative reports should be referred to the Criminal Division.